

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

CHRISTOPHER MCCLURE,)	
)	
Plaintiff,)	
)	
v.)	No. 2:23-cv-00243-JPH-MJD
)	
JEFF HOWELL,)	
WAYNE BULLINGTON,)	
STEVE LYNCH,)	
CRAWFORD COUNTY COUNCIL,)	
CRAWFORD COUNTY SHERIFF'S)	
DEPARTMENT,)	
)	
Defendants.)	
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CRAWFORD COUNTY SHERIFF'S)	
DEPARTMENT,)	
WAYNE BULLINGTON,)	
STEVE LYNCH,)	
JEFF HOWELL,)	
)	
Third Party)	
Plaintiffs,)	
)	
v.)	
)	
ADVANCED CORRECTIONAL)	
HEALTHCARE, INC.,)	
)	
Third Party)	
Defendant.)	

ORDER DISMISSING PLAINTIFF'S CLAIMS WITH PREJUDICE

Magistrate Judge Dinsmore has recommended that Plaintiff Christopher McClure's claims in this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for Mr. McClure's repeated failure to comply with

the court's orders. Dkt. 63. Specifically, Magistrate Judge Dinsmore noted: (1) Plaintiff, who is no longer incarcerated, failed to appear for a telephonic status conference on March 17, 2025; (2) Plaintiff failed to appear at a subsequent hearing to show cause held on April 9, 2025, why he should not be sanctioned for failing to appear at the earlier hearing. There has not been any objection to the report and recommendation or any motion to substitute.

The Court **adopts** Magistrate Judge Dinsmore's report and recommendation, dkt. [63], in whole. See *GCIU Employer Retirement Fund v. Chicago Tribune Co.*, 8 F.3d 1195, 1198-99 (7th Cir. 1993) ("[A] party cannot decide for itself when it feels like pressing its action and when it feels like taking a break because trial judges have a responsibility to litigants to keep their court calendars as current as humanly possible.") (quotation marks and citation omitted). Plaintiff's claims in this action are **dismissed with prejudice** pursuant to Rule 41(b) for failure to prosecute. As noted in Magistrate Dinsmore's report and recommendation, dismissal of Plaintiff's claims does not by itself resolve the pending third-party claims in this case. Therefore, no final judgment will issue at this time.


The **clerk is directed** to terminate Christopher McClure as plaintiff on the docket and Jeff Howell, Wayne Bullington, Steve Lynch, and the Crawford County Sheriff's Department as defendants on the docket. Howell, Bullington, Lynch, and the Sheriff's Department will remain on the docket as third-party plaintiffs and Advanced Correctional Healthcare, Inc., remains as third-party defendant. Also, the **clerk is directed** to terminate the pending motion for

summary judgment at dkt. [52] as moot in light of the dismissal of Plaintiff's claims.

The motion for summary judgment at dkt. 55 remains pending. Magistrate Judge Dinsmore is requested to schedule a telephonic status conference with the third-party plaintiffs and third-party defendant to discuss possible resolution of that motion.

SO ORDERED.

Date: 5/1/2025


James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email

CHRISTOPHER MCCLURE
4270 Corydon Ramsey Rd. NW
Corydon, IN 47112

Magistrate Judge Dinsmore's Chambers